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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/225,262	01/04/1999	JIE CHU	CISCO-0609	2672

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DAVID B RITCHIE  
THELEN REID & PRIEST LLP  
PO BOX 640640  
SAN JOSE, CA 95164-0640

EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2155

22

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N

09/225,262

Applicant(s)

CHU ET AL.

Examiner

Patrice Winder

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19,23,28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-16,20-22,24-27 and 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>13</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Requiring one application to be "simpler" than another application is indefinite without knowing what aspects of the applications are "simpler" compared.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-7, 14-16, 20-22, 24-27, 31-38 are rejected under 35 U.S.C. 102(e) as being anticipated by McHann, Jr, USPN 5,991,806 (hereafter referred to as McHann).

5. Regarding claim 1, McHann taught a method for conveying data communications network management information to an umbrella management system (abstract), the method comprising:

generating network management information (receiving network messages in proprietary formats, column 12, lines 15-18);

sending said network management information as network management events on an information bus (column 12, lines 25-27);

selecting said network management information events at a monitor interface in communication with said information bus (selecting at a monitor application, column 12, lines 6-8);

receiving said network management information events at said interface (column 12, lines 11-14);

converting said network management information events into umbrella management system information useable by said umbrella management system (column 12, lines 18-19); and

communicating said umbrella management system information to said umbrella management system (column 12, lines 25-32).

Although McHann taught forwarding and selecting network information events, McHann does not use the terms "publishing" and "subscribing" specifically. However, selecting and sending network information events is equivalent to publishing and

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subscribing network events. However, Bracho taught a definition of publishing and subscribing events (column 1, line 66 - column 2, line 3).

6. Regarding dependent claim 2, McHann taught further comprising: filtering said network management information events to communicate selected information contained in said events (column 12, lines 33-43).

7. Regarding dependent claim 3, McHann taught further comprising: translating said umbrella management system information into an umbrella management system input protocol (column 12, lines 19-24).

8. Regarding dependent claim 4, McHann taught said input protocol is Simple Network Management Protocol (SNMP) traps (input protocol to is SNMP, column 12, lines 40-49).

9. Regarding dependent claim 5, McHann taught further comprising: communicating the translated umbrella management system information to a database within the umbrella management system (column 12, lines 62-67).

10. Regarding dependent claim 6, McHann taught further comprising: communicating the translated umbrella management system information to a network management system application within the umbrella management system (column 12, lines 27-32).

11. Regarding dependent claim 7, McHann a method taught further comprising: communicating the translated umbrella management system information to a Management Information Base (MIB) associated with the network management system application (column 12, lines 62-67, column 7, lines 57-63).

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12. Regarding dependent claim 14, McHann taught a method further comprising: sending (publishing) events at the monitor interface on to the information bus (column 12, lines 25-27).

13. Regarding dependent claim 15, McHann taught publishing events at the monitor interface includes: forwarding (publishing) events at the monitor interface in response to events received (column 12, lines 24-32).

14. Regarding dependent claim 16, McHann taught a method comprising: publishing events at the monitor interface includes: sending (publishing) events at the monitor interface containing information conveyed from the umbrella management system (column 12, lines 25-27).

15. Regarding claim 20, McHann taught a monitor interface in a data communications network, said monitor interface in communication with an information bus and an umbrella management system (column 3, lines 41-67), said monitor interface comprising:

an adapter that selects (subscribes) and captures network management events off said information bus (column 12, lines 6-8);

a converter in communication with said adapter that formats said events into umbrella management system information (column 12, lines 12-18);

a forwarder in communication with said converter that conveys said umbrella management system information to said umbrella management system (column 12, lines 25-32). Although McHann taught forwarding and selecting network information events, McHann does not use the terms "publishing" and "subscribing" specifically.

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However, selecting and sending network information events is equivalent to publishing and subscribing network events. However, Bracho taught a definition of publishing and subscribing events (column 1, line 66 - column 2, line 3).

16. Regarding dependent claim 21, McHann taught a monitor interface further comprising: a filter in communication with said adapter, said filter selecting certain information from certain network management events (column 12, lines 33-43).

17. Regarding dependent claim 22, McHann taught a monitor interface further comprising: a producer (publisher) in communication with said adapter, said producer communicating events across said information bus (producer of messages monitored by monitor application, column 12, lines 6-14).

18. Regarding claim 24, McHann taught a monitor interface in data communications network, said monitor interface in communication with an information bus and an umbrella management system (column 3, lines 41-67), said monitor interface comprising:

a means for selecting to network management information events published on said information bus (column 12, lines 6-8);

a means for receiving said network management information events (column 12, lines 11-14);

a means for converting said network management information events into umbrella management system information usable by said umbrella management system (column 12, lines 18-19);

a means for communication said umbrella system information to said umbrella management system (column 12, lines 25-32). Although McHann taught forwarding and selecting network information events, McHann does not use the terms "publishing" and "subscribing" specifically. However, selecting and sending network information events is equivalent to publishing and subscribing network events. However, Bracho taught a definition of publishing and subscribing events (column 1, line 66 - column 2, line 3).

19. Regarding dependent claim 25, McHann taught a monitor interface further comprising: a means for filtering said network management information events to communicate selected information in said events to said umbrella management system (column 12, lines 33-43).

20. Regarding dependent claim 26, McHann taught a monitor interface further comprising: a means for producing events on to said information bus (producers of messages which are monitored by monitor application, column 12, lines 6-14).

21. The language of claim 27 is substantially the same as the language of previously rejected claim 1. Therefore, claim 27 is rejected on the same rationale as previously rejected claim 1.

22. The language of claims 31-38 is substantially the same as the language of previously rejected claims 1, 20-22, 24-26. Therefore, claims 31-38 are rejected on the same rationale as previously rejected claims 1, 20-22, 24-26.



***Claim Rejections - 35 USC § 103***

23. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

24. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHann in view of Touboul, USPN 6,125,390 (hereafter referred to as Touboul).

25. Regarding dependent claims 8, McHann taught subscribing includes: selecting (subscribing) to events related to an instance of a service component within the data communications network (column 6, lines 26-31, 45-50, column 12, lines 6-11). McHann does not specifically teach the event is related to starting a service.

26. Regarding dependent claim 9, McHann taught subscribing includes: selecting (subscribing) to events related to an instance of a service component within the data communications network (column 6, lines 26-31, 45-50, column 12, lines 6-11). McHann does not specifically teach the event is related stopping a service.

27. Regarding dependent claim 10, McHann taught subscribing includes: selecting (subscribing) to events related to a service within the data communications network. McHann does not specifically teach the event is related to configuring a service (column 6, lines 26-31, 45-50, column 12, lines 6-11).

28. Regarding dependent claim 11, McHann taught subscribing includes: selecting (subscribing) to events related to the monitor interface (column 6, lines 26-31, 45-50, column 12, lines 6-11). McHann does not specifically teach the event is related to configuring the monitor interface.

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29. Regarding dependent claim 12, McHann taught subscribing includes: (selecting) subscribing to events related to a service within the data communications network (column 6, lines 26-31, 45-50, column 12, lines 6-11). McHann does not specifically teach the events are related to an error occurring in a service.

30. Regarding claims 8-12, Touboul taught events related to: starting a program, stopping a program, configuring a program and error in a program (column 9, lines 3-54, column 10, lines 9-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Touboul's specific events in McHann's system for routing events would have improved system effectiveness. The motivation would have been to enable McHann's system to detect and then correct specific error conditions (Touboul, column 1, lines 12-15)

31. Regarding dependent claim 13, McHann taught subscribing includes: selecting (subscribing) to events received by a service within the data communications network (column 6, lines 26-31, 45-50, column 12, lines 6-11). McHann does not specifically teach the events responsive to two or more conflicting signals. However, Touboul taught the events responsive to two or more conflicting signals (column 17, lines 46-56). For motivation for combination see claim 12, above.

***Allowable Subject Matter***

32. Claims 17-19, 23, 28-29 are allowed.

***Response to Arguments***

33. Applicant's arguments, see page 19, filed October 18, 2002, with respect to the rejection(s) of claim(s) 1-6, 20-22, 24-27 under McHann and Bracho have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of McHann.

34. Applicant argues – "Thus, if Bracho's teachings should be used to modify McHann's system to employ publishing/subscribing scheme ... all components and devices in McHann's system 800 and the system controller/server 810 must use the predefined interface procedures in accordance with an API, agree in advance on a predetermined set of event types, and use a standard specification language to define events or messages."

a. The rejection has been rearticulated to better reflect the equivalent between McHann's sender/selecter system and the claimed publisher/subscriber system.

35. Applicant argues – "As discussed above, McHann teaches a system for routing messages in a computer system without having to modify or install additional software whereas, Bracho requires additional software, specifically, the predefined interface procedures, defined in the API."

b. The rejection has been rearticulated to better reflect the equivalent between McHann's sender/selecter system and the claimed publisher/subscriber system.

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36. Applicant argues – “The alleged combined invention would require the use of the predefined interface procedures in accordance with an API, agreement in advance on a predetermined set of event types, and user of a standard specification language to defines events or messages.”

c. The rejection has been rearticulated to better reflect the equivalent between McHann’s sender/selecter system and the claimed publisher/subscriber system.

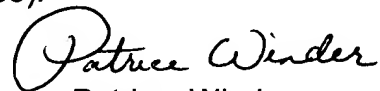
37. Applicant argues – “The prior art references do not teach or suggest all of the claim limitations ... This monitor interface is not taught or suggested in McHann or Bracho.”

d. McHann taught a monitor application that is the interface between the senders/selectors (publishers/subscribers), as well as, providing the interface to the selected network management system (column 12, lines 6-8, 27-32).

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 703-305-3938. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Hosain Alam can be reached on 703-308-3662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder  
Primary Examiner  
Art Unit 2155

plw